

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FRANKIE LEWIS (a.k.a. FRANK
SARGENT, FRANK EDWIN
SUNDANCE SARGENT,
FRANKIE SUNDANCE LEWIS),

Plaintiff,

vs.

MRS. MARCINKOWSKI and
MRS. BORROMEO,,

Defendants.

NO. CV-11-5132-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION, DENYING *IN*
FORMA PAUPERIS STATUS AND
DISMISSING ACTION

Magistrate Judge Imbrogno filed a Report and Recommendation on September 26, 2011, to deny Mr. Lewis leave to proceed *in forma pauperis* as he is precluded from filing any further action while a prisoner without pre-paying the filing fee under 28 U.S.C. § 1915(g). Plaintiff's complaint against the two named Defendants for attempting to conduct an interview with him on June 27, 2003, failed to demonstrate he is under imminent danger of serious physical injury.

On September 30, 2011, Mr. Lewis submitted a letter addressed to Magistrate Judge Imbrogno concerning the "denial of *in forma pauperis*." The court liberally construes this letter as Plaintiff's Objections (ECF No. 10). Plaintiff states he cannot pay the \$350.00 for the filing fee, but wishes to proceed with this action and promises to pay back the filing fee when he "wins." Mr. Lewis has submitted additional letters, (ECF

ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING *IN FORMA PAUPERIS* STATUS AND DISMISSING ACTION -- 1

Nos. 11, 12 and 13), repeating his assertion he cannot pay the filing fee and that he expects "reward money." Because Mr. Lewis is statutorily precluded from filing this action *in forma pauperis* under 28 U.S.C. § 1915(g), the court cannot allow him to proceed.

Accordingly,, **IT IS ORDERED:**

1. The Court **adopts** the Report and Recommendation (ECF No. 9) in its entirety
2. Plaintiff's application to proceed *in forma pauperis* is **DENIED**.
3. The above-captioned action is **DISMISSED** for failure to pay the filing fee under 28 U.S.C. § 1914.
4. The Court certifies that any appeal of this dismissal would not be taken in good faith.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff, and **close the file**.

DATED this 31st day of October 2011.

s/Robert H. Whaley
ROBERT H. WHALEY
United States District Court

Q:\aCIVIL\2011\prisoner11cv5132ci-10-19-denyIFPDismiss.wpd